

MARY ROSE OAKAR, OHIO, CHAIR

DEBBY HARRIS, TEXAS
STEPHEN J. BAKER, NEW YORK

JOHN T. EVERE, INDIANA
SEN YOUNG, ALASKA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS
400 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515

TELEPHONE (202) 225-7346

STATEMENT OF MARY ROSE OAKAR, CHAIR
SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS
OF THE
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE
HEARING ON H.R. 3008
TUESDAY, JULY 23, 1985
WASHINGTON, D.C.

THE SUBCOMMITTEE WILL COME TO ORDER.

TODAY, THE SUBCOMMITTEE WILL CONDUCT A HEARING ON H.R. 3008, "THE FEDERAL EQUITABLE PAY PRACTICES ACT OF 1985." OVER THE PAST FEW MONTHS, THE SUBCOMMITTEE HAS HELD FIVE IN-DEPTH HEARINGS ON THE NEED FOR CONDUCTING A PAY EQUITY STUDY OF THE FEDERAL COMPENSATION SYSTEM AND THE FEASIBILITY OF SUCH A STUDY. MORE THAN 50 WITNESSES APPEARED BEFORE THE SUBCOMMITTEE, INCLUDING FEDERAL AND STATE GOVERNMENT OFFICIALS, PUBLIC AND PRIVATE SECTOR EMPLOYEES AND THEIR UNIONS, INDIVIDUALS WHO HAVE EXPERIENCED PAY DISCRIMINATION IN THEIR JOBS, AND REPRESENTATIVES OF THE BUSINESS COMMUNITY.

THE SUBCOMMITTEE HEARINGS FOCUSED ON H.R. 27, "THE FEDERAL PAY EQUITY ACT OF 1985," AND THE GENERAL ACCOUNTING OFFICE (GAO) REPORT ENTITLED "OPTIONS FOR CONDUCTING A PAY EQUITY STUDY OF FEDERAL PAY AND CLASSIFICATION SYSTEMS." WHILE THE GAO REPORT PROVIDED INVALUABLE ANALYTICAL DATA, WITNESSES WHO APPEARED BEFORE THE SUBCOMMITTEE OFFERED INFORMATIVE TESTIMONY AND CONSTRUCTIVE SUGGESTIONS ON IMPROVING H.R. 27.

SOME OF THE WITNESSES SHARED WITH US THEIR SUCCESSFUL EXPERIENCES IN PERFORMING PAY EQUITY STUDIES AT THE STATE LEVEL. ONE WITNESS EXPLAINED THAT, IN HER STATE, THE COST OF IMPLEMENTING PAY EQUITY WAGE ADJUSTMENTS WAS LESS THAN ONE PERCENT OF PAYROLL PER YEAR AND MAY HAVE HAD A BENEFICIAL IMPACT ON THE STATE ECONOMY. IN ADDITION, THE WITNESS EMPHASIZED THAT THE PRODUCTIVITY AND MORALE OF EMPLOYEES DRAMATICALLY INCREASED FOLLOWING THE WAGE ADJUSTMENT.

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OTHER WITNESSES DISCUSSED HOW THEIR JOB OR JOBS WITHIN A SPECIFIC EMPLOYMENT SITUATION HAD BEEN SYSTEMATICALLY UNDER-VALUED AND UNDER-PAID. WITNESSES REPRESENTING NUMEROUS UNIONS DESCRIBED THEIR EFFORTS IN SUPPORTING PAY EQUITY AND IMPLEMENTING PAY EQUITY PROGRAMS IN THE PUBLIC AND PRIVATE SECTORS. A FEW WITNESSES CRITICIZED A FEDERAL PAY EQUITY STUDY, BECAUSE THEY FEARED IT WOULD LEAD TO GREATER GOVERNMENTAL CONTROL OVER OUR FREE ENTERPRISE ECONOMY.

NO ONE ARGUED, HOWEVER, THAT SEX-BASED WAGE DISCRIMINATION SHOULD BE PERMITTED TO EXIST IN THE PUBLIC OR PRIVATE SECTOR, OR THAT IT IS LEGAL WITHIN THE FRAMEWORK OF OUR EXISTING LAWS. I BELIEVE THAT THE RECOGNITION BY ALL OUR WITNESSES THAT SEX, RACE, OR ANY OTHER FORM OF DISCRIMINATION IS UNLAWFUL IS SIGNIFICANT. THEIR UNANIMOUS DISAPPROVAL OF DISCRIMINATION IN WAGE-SETTING DEMONSTRATES A NEED TO ENSURE THAT OUR CIVIL RIGHTS LAWS ARE BEING PROPERLY ENFORCED.

BASED UPON TESTIMONY THAT WAS GIVEN AT THESE HEARINGS, I INCORPORATED MANY OF THE WITNESSES' SUGGESTIONS INTO NEW LEGISLATION THAT I INTRODUCED LAST WEEK WHICH NOW HAS 93 CO-SPONSORS. H.R. 3008, "THE FEDERAL EQUITABLE PAY PRACTICES ACT OF 1985," EXPANDS THE SCOPE OF THE STUDY TO INCLUDE RACE AND ETHNIC DISCRIMINATION. IT ALSO ADDS A SECOND METHODOLOGY TO DETERMINE HOW THE MARKET AFFECTS FEDERAL WAGE RATES.

IN ADDITION, THE BILL MAINTAINS A HIGH LEVEL OF OBJECTIVITY IN ESTABLISHING A BI-PARTISAN COMMISSION TO STUDY DISCRIMINATION

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IN THE FEDERAL GOVERNMENT. THE 11-MEMBER COMMISSION WILL BE COMPRISED OF THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, THE COMPTROLLER GENERAL OF THE UNITED STATES, ONE APPOINTMENT EACH BY THE PRESIDENT, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER IN THE HOUSE, AND FOUR APPOINTMENTS MADE BY THE OPM -- TWO FROM FEDERAL LABOR UNIONS WHICH REPRESENT A SUBSTANTIAL NUMBER OF FEDERALLY EMPLOYED WOMEN, ONE FROM WOMEN'S ORGANIZATIONS WHOSE MAJOR PURPOSE IS TO PROMOTE THE INTERESTS OF FEDERALLY EMPLOYED WOMEN, AND ONE FROM CIVIL RIGHTS GROUPS WHO REPRESENT FEDERAL EMPLOYEES.

THE COMMISSION WILL SELECT A CONSULTANT TO CONDUCT THE 18-MONTH STUDY AND PROVIDE GUIDANCE TO THE CONSULTANT ON THE PROJECT. THE COMMISSION WILL ALSO COMMENT ON THE CONSULTANT'S STUDY AND, IF DISCRIMINATION IS FOUND, PROVIDE RECOMMENDATIONS TO ELIMINATE ANY DISCRIMINATORY PRACTICES AND TO IMPROVE THE PAY AND CLASSIFICATION SYSTEMS. AFTER TRANSMITTING ITS REPORT AND COMMENTS TO THE PRESIDENT AND CONGRESS, THE COMMISSION WILL DISBAND, THUS RE-AFFIRMING MY LONGSTANDING COMMITMENT THAT A FEDERAL DISCRIMINATION STUDY WILL NOT LEAD TO FEDERALLY REGULATED WAGES FOR EMPLOYEES.

IT IS IMPORTANT TO NOTE THAT MY BILL ONLY APPLIES TO THE FEDERAL GOVERNMENT. IT DOES NOT INCLUDE STATE AND LOCAL GOVERNMENTS OR THE PRIVATE SECTOR. THE LEGISLATION ALSO UNDERSCORES THE REQUIREMENT IN CURRENT LAW THAT DISCRIMINATION,

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IF DISCOVERED IN THE STUDY, CANNOT BE REMEDIED BY RECOMMENDING THAT SALARIES BE LOWERED. MY BILL DOES NOT SEEK TO PIT ANY GROUP AGAINST ANOTHER. IT SIMPLY PROVIDES FOR A COMPREHENSIVE STUDY OF DISCRIMINATORY PRACTICES TO MAKE CERTAIN THAT THE NATION'S LARGEST EMPLOYER IS COMPLYING WITH OUR CIVIL RIGHTS LAWS.

THOUGH INITIALLY I HAD MISGIVINGS ABOUT SOME OF THE PROPOSED CHANGES TO H.R. 27, PARTICULARLY INCLUSION OF A MARKET ANALYSIS IN THE STUDY, I REVISED THE LEGISLATION IN ORDER TO MEET THE CONCERNS WHICH WERE RAISED AT THE SUBCOMMITTEE HEARINGS BY REPRESENTATIVES OF THE BUSINESS COMMUNITY THAT THE STUDY NEEDED TO BE MORE BALANCED. I AM CERTAIN THAT, AS PEOPLE REVIEW H.R. 3008, THEY WILL AGREE THAT THE LEGISLATION PROVIDES FOR AN OBJECTIVE AND THOROUGH EXAMINATION OF THE FEDERAL WAGE AND CLASSIFICATION SYSTEMS. I AM INSERTING IN THE RECORD AT THIS TIME A COPY OF THE BILL AND THE SECTION-BY-SECTION ANALYSIS.

IT IS MY HOPE THAT, FOLLOWING THIS MORNING'S HEARINGS, WE CAN MOVE EXPEDITIOUSLY TO ENACT H.R. 3008. THIS LEGISLATION IS THE PRODUCT OF A LONG AND, SOMETIMES, DIFFICULT JOURNEY WHICH BEGAN IN THIS ROOM NEARLY THREE YEARS AGO. EQUALITY AND FAIR TREATMENT AT THE WORKSITE IS A GOAL DEEPLY EMBEDDED IN THE CONSCIENCE OF OUR COUNTRY. ELIMINATING DISCRIMINATION IN EMPLOYMENT IS AS VITAL TODAY AS IT WAS 21 YEARS AGO, WHEN WE ADOPTED THE CIVIL RIGHTS ACT OF 1964.

IT IS IMPERATIVE THAT OUR FEDERAL GOVERNMENT SERVE AS A MODEL FOR THE WORLD. IT MUST BE FREE OF ANY DISCRIMINATORY

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PRACTICES THAT VIOLATE CURRENT LAW AND SAP THE MORALE AND
PRODUCTIVITY OF EMPLOYEES. LET'S GET ON WITH THE TASK AT HAND,
ENACT H.R 3008 INTO LAW, AND INSURE THAT OUR FEDERAL WORKFORCE IS
NOT THE VICTIM OF UNFAIR DISCRIMINATION.